

**THURSDAY, JUNE 27, 2002**  
**NINETY-FIFTH LEGISLATIVE DAY**

The House met at 10:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Sands.

Representative Sands led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....94

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cooper; illness.

Representative J. DeBerry; personal reasons.

Representative Rhinehart; illness.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 960:** Rep(s). Pleasant as prime sponsor(s).

**House Joint Resolution No. 1177:** Rep(s). Bone as prime sponsor(s).

**House Joint Resolution No. 1178:** Rep(s). Harwell as prime sponsor(s).

**House Bill No. 1334:** Rep(s). Turner (Hamilton) and Overbey as prime sponsor(s).

### CONSENT CALENDAR

June 27, 2002

The following local bills have been placed on the Consent Calendar for **June 27, 2002**:  
House Bill(s) No(s). 3290.

### INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 1180** -- General Assembly, Statement of Intent or Position - Condemns 9th U.S. Circuit Court of Appeals' decision finding recitation of Pledge of Allegiance in public schools to be unconstitutional, and urges U.S. Supreme Court to overturn such decision. by \*Goins, \*Baird, \*Godsey, \*Mumpower, \*Dunn, \*Davis (Washington).

Held on House Desk

**\*House Joint Resolution No. 1181** -- General Assembly, Studies - Creates special joint committee to study state government's procurement system for information technology commodity items and services. by \*Fitzhugh.

House Finance, Ways and Means Committee

### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 27, 2002:

**House Resolution No. 402** -- Memorials, Recognition - Plastic Industries, Inc., 50th Anniversary. by \*McKee.

**House Joint Resolution No. 1177** -- Memorials, Recognition - Chief Charles McCrary. by \*Beavers.

**House Joint Resolution No. 1178** -- Memorials, Public Service - Heather P. Stein, Research Analyst Intern for Economic Council on Women. by \*Chumney.

**SENATE JOINT RESOLUTIONS**  
**(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 27, 2002:

**Senate Joint Resolution No. 886** -- Memorials, Recognition - Barbara Stagg and John Gilliat. by \*Davis L.

**DELAYED BILLS REFERRED**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3300 and 3301, was/were referred to the Delayed Bills Committee.

**House Bill No. 3300** -- Constitutional Conventions - Submits to people of Tennessee question relating to calling of convention for purpose of revising Constitution of Tennessee with respect to Article II, Section 3, relative to terms of members of general assembly; Article II, 28, relative to taxation; Article VI, Section 5, relative to attorney general and reporter; Article VI, Section 13, relative to clerks of courts and clerks and masters; Article XI, Section 5, relative to lotteries; and Article XI, Section 9, relative to consolidation of municipal and county functions. by \*Sands, \*Walker, \*Newton, \*Fowlkes, \*McDaniel, \*Naifeh, \*Ford S, \*Maddox, \*Fitzhugh, \*Boyer, \*McMillan, \*Rinks, \*Brooks, \*Scroggs, \*Overbey, \*Johnson. (\*SB3255 by \*Cooper J)

**\*House Bill No. 3301** -- Appropriations - Enacts "Essential Government Services Act of 2002.". by \*Kisber, \*McDaniel, \*Boyer, \*Davidson, \*Rinks. (SB3256 by \*Clabough)

**REPORT OF DELAYED BILLS COMMITTEE**  
**June 27, 2002**

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 3300.

Jimmy Naifeh, Speaker  
Gene Davidson  
Steve McDaniel

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 3300** -- Constitutional Conventions - Submits to people of Tennessee question relating to calling of convention for purpose of revising Constitution of Tennessee with respect to Article II, Section 3, relative to terms of members of general assembly; Article II, 28, relative to taxation; Article VI, Section 5, relative to attorney general and reporter; Article VI, Section 13, relative to clerks of courts and clerks and masters; Article XI, Section 5, relative to lotteries; and Article XI, Section 9, relative to consolidation of municipal and county functions. by \*Sands, \*Walker, \*Newton, \*Fowlkes, \*McDaniel, \*Naifeh, \*Ford S, \*Maddox, \*Fitzhugh, \*Boyer, \*McMillan, \*Rinks, \*Brooks, \*Scroggs, \*Overbey, \*Johnson. (\*SB3255 by \*Cooper J)

### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 3253** -- Shelby County - Subject to local approval, repeals act creating Shelby County Agri-Center Commission. - Repeals Chapter 141 of the Private Acts of 1981. by \*Cohen. (HB3297 by \*Bowers)

### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3298** -- Tort Liability -- House Judiciary Committee

**House Bill No. 3299** -- Appropriations -- House Finance, Ways and Means Committee

### REPORTS FROM STANDING COMMITTEES

The committees that met on **June 27, 2002**, reported the following:

#### FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 65, also House Bill(s) No(s). 674, 1323, 786 and 1893 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **June 27, 2002**: House Bill(s) No(s). 1334.

The Committee set the following bill(s) and/or resolution(s) on the **Supplemental Consent Calendar** for **June 27, 2002**: House Bill(s) No(s). 2748.

#### CONSENT CALENDAR

**House Joint Resolution No. 1177** -- Memorials, Recognition - Chief Charles McCrary. by \*Beavers.

**House Joint Resolution No. 1178** -- Memorials, Public Service - Heather P. Stein, Research Analyst Intern for Economic Council on Women. by \*Chumney.

**House Resolution No. 402** -- Memorials, Recognition - Plastic Industries, Inc., 50th Anniversary. by \*McKee.

**Senate Joint Resolution No. 886** -- Memorials, Recognition - Barbara Stagg and John Gilliat. by \*Davis L.

**House Bill No. 3290** -- Tipton County - Subject to local approval, abolishes Tipton County Public Works Committee and creates Department of Public Works for Tipton County, subject to requirements of Tennessee County Uniform Highway Law. - Repeals Chapter 114 of the Private Acts of 1973, as amended. by \*Naifeh, \*Fitzhugh. (SB3249 by \*Norris)

Pursuant to **Rule No. 50**, Rep. Fitzhugh moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

#### REGULAR CALENDAR

**\*House Joint Resolution No. 960** -- Memorials, Congress - Urges support of State of Israel. by \*Casada, \*Kisber.

Further consideration of House Joint Resolution No. 960 previously considered on June 26, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Casada moved that **House Joint Resolution No. 960** be adopted, which motion prevailed by the following vote:

Ayes .....	90
Noes .....	0
Present and not voting .....	1

## THURSDAY, JUNE 27, 2002 – NINETY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood -- 90.

Representatives present and not voting were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**House Bill No. 1334** -- Child Custody and Support - Expands sources of payment of mediation and education under parenting plans to include other available funds, in addition to federal, state, and local funds. Amends TCA Title 36, Chapter 6, Part 4, by \*Patton, \*Walker, \*Black, \*Boyer, \*Dunn, \*Clem, \*Odom, \*Kernell, \*Turner (Davidson), \*Bowers, \*Buck, (\*SB899 by \*Harper, \*Fowler, \*Haynes, \*Trail)

Rep. Patton moved that House Bill No. 1334 be reset for the Regular Calendar on June 28, 2002, which motion prevailed.

### MESSAGE CALENDAR

#### HOUSE ACTION ON SENATE MESSAGE

**\*House Bill No. 3159** -- Education, Dept. of - Revises procedure in regard to placing and reviewing schools on probation. Amends TCA, Title 49, by \*Montgomery. (SB3086 by \*Atchley)

Rep. Montgomery moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 3159**, which motion prevailed.

#### CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 3159

Pursuant to **Rule No. 73**, Representative Montgomery moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 3159, which motion prevailed.

The Speaker appointed Representatives Montgomery, Winningham, Sands, Shepard and Scroggs as the House members of the Conference Committee on House Bill No. 3159.

UNFINISHED BUSINESS

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for June 27, 2002:

**House Resolution No. 403** -- Memorials, Personal Occasion - Elizabeth Willis, 80th birthday. by \*Hood, \*Rowland, \*Beavers, \*DeBerry L, \*Bowers, \*Pruitt, \*Langster.

**House Joint Resolution No. 1179** -- Memorials, Recognition - Wiley-Francis Family Reunion. by \*Armstrong.

SUPPLEMENTAL CONSENT CALENDAR

**\*House Bill No. 2748** -- Administrative Procedure (UAPA) - Extends certain agency rules scheduled to expire pursuant to provisions of UAPA. by \*Kernell, \*Brooks, \*Cooper B. (SB3037 by \*Harper)

On motion, House Bill No. 2748 was made to conform with **Senate Bill No. 3037**; the Senate Bill was substituted for the House Bill.

**House Joint Resolution No. 1179** -- Memorials, Recognition - Wiley-Francis Family Reunion. by \*Armstrong.

**House Resolution No. 403** -- Memorials, Personal Occasion - Elizabeth Willis, 80th birthday. by \*Hood, \*Rowland, \*Beavers, \*DeBerry L, \*Bowers, \*Pruitt, \*Langster.

Pursuant to **Rule No. 50**, Rep. Fitzhugh moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....90  
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

**ANNOUNCEMENTS**

**BILL PLACED ON CALENDAR**

Rep. Kisber moved that **House Bill No. 3116**, held on the Clerk's Desk, be placed on the Supplemental Message Calendar, which motion prevailed.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 3:00 p.m.

**MESSAGE FROM THE SENATE**

**June 27, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3232; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 27, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 887, 888 and 889; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 887** -- Memorials, Public Service - Nathan Burton. by \*Dixon, \*Wilder, \*Haynes, \*Harper, \*Henry, \*Rochelle, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsa, \*Ford J, \*Fowler, \*Graves, \*Haun, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Trail, \*Williams, Sen..

**Senate Joint Resolution No. 888** -- Memorials, Congratulations - Don Sadler, 2002 inductee, SSDA-AT Hall of Fame. by \*Henry, \*Rochelle, \*Haynes.

**Senate Joint Resolution No. 889** -- Memorials, Retirement - Senator Gene Elsa. by \*McNally, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsa, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams, Sen..



**MESSAGE FROM THE SENATE**

**June 27, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 890; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 890** -- Memorials, Death - Representative Keith Westmoreland. by \*Ramsey, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams, Sen..

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar No. 2 for June 27, 2002:

**House Resolution No. 404** -- Memorials, Recognition - Middle Tennessee Pony Club Horse Trials, 50th Anniversary. by \*Hagood.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar No. 2 for June 27, 2002:

**Senate Joint Resolution No. 887** -- Memorials, Public Service - Nathan Burton. by \*Dixon, \*Wilder, \*Haynes, \*Harper, \*Henry, \*Rochelle, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Haun, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Trail, \*Williams, Sen..

**Senate Joint Resolution No. 888** -- Memorials, Congratulations - Don Sadler, 2002 inductee, SSDA-AT Hall of Fame. by \*Henry.

**Senate Joint Resolution No. 889** -- Memorials, Retirement - Senator Gene Elsea. by \*McNally, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams, Sen..

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL

The roll call was taken with the following results:

Present .....91

Representatives present were: Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

SUPPLEMENTAL CONSENT CALENDAR NO. 2

**House Resolution No. 404** -- Memorials, Recognition - Middle Tennessee Pony Club Horse Trials, 50th Anniversary. by \*Hagood.

**Senate Joint Resolution No. 887** -- Memorials, Public Service - Nathan Burton. by \*Dixon, \*Wilder, \*Haynes, \*Harper, \*Henry, \*Rochelle, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Haun, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Trail, \*Williams, Sen..

**Senate Joint Resolution No. 888** -- Memorials, Congratulations - Don Sadler, 2002 inductee, SSDA-AT Hall of Fame. by \*Henry.

**Senate Joint Resolution No. 889** -- Memorials, Retirement - Senator Gene Elsea. by \*McNally, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams, Sen..

Rep. Kisber moved that all members voting aye on Senate Joint Resolution(s) No(s). 887 and 889 be added as sponsors, which motion prevailed.

OBJECTION -- SUPPLEMENTAL CONSENT CALENDAR NO. 2

Objection(s) was/were filed to the following on the Supplemental Consent Calendar No. 2:

**House Resolution No. 404:** by Rep. Hagood

Under the rules, House Resolution(s) No(s). 404 was/were placed at the foot of the calendar for June 28, 2002.

Pursuant to **Rule No. 50**, Rep. Fitzhugh moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar No. 2 be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar No. 2 be concurred in, which motion prevailed by the following vote:

Ayes .....90  
Noes .....0

Representatives present were: Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

## SUPPLEMENTAL MESSAGE CALENDAR

### HOUSE ACTION ON SENATE MESSAGE

**\*House Bill No. 3232** -- Criminal Offenses - Makes act of terrorism and possession of biological or chemical warfare agents crime; makes act of terrorism aggravating factor for purposes of imposing death penalty; enhances criminal penalties for other activities relating to terrorism or hoaxes. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 19; Title 20; Title 21; Title 22; Title 23; Title 24; Title 28; Title 29; Title 33; Title 37; Title 38; Title 39; Title 40; Title 41; Title 42; Title 43; Title 45; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69 and Title 71. by \*Kisber, \*Newton, \*Cole (Carter), \*Kent, \*Naifeh, \*Hargett, \*Todd, \*Pinion, \*Westmoreland, \*Bowers, \*DeBerry J. (SB3192 by \*Clabough, \*Crowe, \*Haun, \*Miller J)

Rep. Kisber moved that House Bill No. 3232 be reset for the Message Calendar on June 28, 2002, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 3116** -- Budget Procedures - Authorizes general assembly to transfer funds from various reserve funds for use for other purposes. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 13; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 49; Title 54; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71. by \*Head, \*Kisber. (SB3135 by \*Clabough)

Further consideration of House Bill No. 3116 previously considered on June 24, 2002, at which time it was held on the Clerk's desk and reset for today's Supplemental Message Calendar.

**Senate Amendment No. 2**

AMEND House Bill No. 3116 by deleting all language after the enacting clause and by substituting instead the following language:

**SECTION 1.**

(a) Notwithstanding any provision of law to the contrary, subject to the specific provisions of an appropriations act, the commissioner of finance and administration is authorized to deny carryforwards for, and to transfer funds from, the funds, reserve accounts or programs identified in subsection (c) to the state general fund for the sole purpose of meeting the requirements of funding the operations of state government for the fiscal year ending June 30, 2002. The authorization provided for in the preceding sentence shall not apply to allow the transfer of any fund balances which are mandated by federal law to be retained in such fund. This authority shall not extend beyond transfers and denials of carryforwards necessary to close the fiscal year ending June 30, 2002. The appropriations bill shall establish a plan for the restoration of those portions of the funds authorized to be used under the provisions of this act to close out the 2001-2002 fiscal year which the general assembly intends to restore in the future.

(b) No funds shall be transferred unless specifically appropriated in an appropriations act and such funds shall only be expended in accordance with the provisions of such act.

(c) Transfers are authorized from the following funds, reserve accounts, and programs:

(1) Tennessee Housing Development Authority assets fund created or referenced in title 13, chapter 23, part 4;

(2) Criminal injuries compensation fund created or referenced in title 40, chapter 24, part 1;

(3) Parole and probation supervision and rehabilitation accumulated fees created or referenced in title 40, chapter 28, part 2;

(4) Department of correction work release supervision and rehabilitation accumulated fees created or referenced in title 40, chapter 28, part 2;

(5) Temporary assistance for needy families Families First program created or referenced in title 71, chapter 3, part 1;

(6) Department of safety computerized titling and registration system accumulated fees created or referenced in title 55, chapter 4, part 1;

(7) Wetland acquisition fund created or referenced in title 67, chapter 4, part 4;

(8) Wetland compensation fund created or referenced in title 11, chapter 14, part 4;

(9) Local parks land acquisition fund created or referenced in title 67, chapter 4, part 4;

(10) State lands acquisition fund created or referenced in title 67, chapter 4, part 4;

(11) State lands compensation fund created or referenced in title 11, chapter 14, part 4;

(12) Agriculture resources conservation fund created or referenced in title 67, chapter 4, part 4;

(13) Alcohol and drug addiction treatment fund created or referenced in title 40, chapter 33, part 2;

(14) Traumatic brain injury fund created or referenced in title 68, chapter 55, part 4;

(15) Finance and administration electronic fingerprint imaging systems fund created or referenced in title 67, chapter 4, part 6;

(16) Tennessee bureau of investigation finger print criminal history data base accumulated fees created or referenced in title 39, chapter 17, part 13;

(17) Tennessee bureau of investigation expunged criminal offender and pretrial diversion data base accumulated fees created or referenced in title 38, chapter 6, part 1 and title 40, chapter 32, part 1;

(18) Department of safety driver education fund created or referenced in title 67, chapter 4, part 6;

(19) Department of education driver education fund created or referenced in title 67, chapter 4, part 6;

(20) Motorcycle rider safety fund created or referenced in title 55, chapter 51, part 1;

(21) Sex offender treatment program created or referenced in title 39, chapter 13, part 7;

(22) Industries for the blind fund created or referenced in title 71, chapter 4, part 4;

(23) Voting machines loan fund created or referenced in title 2, chapter 9, part 1;

(24) Domestic violence community education fund created or referenced in title 36, chapter 3, part 6;

(25) Tennessee judicial information system fund created or referenced in title 16, chapter 3, part 8;

(26) Tennessee advisory commission on intergovernmental relations accumulated balances or carryover funds created or referenced in title 4, chapter 10, part 1;

(27) Safe schools program created or referenced in title 49, chapter 6, part 43;

(28) Special schools created or referenced in title 49, chapter 50, part 10;

(29) Notwithstanding § 54-2-102, § 54-2-103 or any other provision of law to the contrary, department of transportation funds in the highway fund, or other funds, created or referenced in titles 54, 55, 65 and 67;

(30) Fraud and economic crimes fund created or referenced in title 40, chapter 3, part 2;

(31) Emergency communications fund created or referenced in title 7, chapter 86, part 1;

(32) Deferred revenue account created or referenced in title 65, chapter 1, part 2, and any other reserve fund maintained by the Tennessee regulatory authority;

(33) Wildlife resources fund created or referenced in title 70, chapter 1, part 4; and

(34) Wildlife management endowment fund created or referenced in title 70, chapter 1, part 5.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it, and shall be repealed on January 1, 2003, the public welfare requiring it.

**Senate Amendment No. 1**

AMEND House Bill No. 3116 By adding the following new sentence at the end of Section 1(a), as amended:

It is the further legislative intent that, in so far as possible, the amount of withdrawal or transfer of fund balances should not be done at such a level or or in such an amount to imperil or disrupt the operation of any program from which funds are transferred.

**Senate Amendment No. 3**

AMEND House Bill No. 3116 By adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_. Tennessee Code Annotated, Title 8, Chapter 42, is amended by adding the following new section:

Section \_\_. Notwithstanding any provision of this chapter or other law to the contrary, during any period of time in which a general appropriations act funding the state government is not in effect, if a state employee as defined in this chapter is performing the duties of a state employee without compensation due to the absence of a general appropriations act, then such employee shall remain a state employee for purposes of Tennessee Code Annotated, Section 9-8-307 and this chapter. Such employee shall also be eligible for workers' compensation benefits during any such uncompensated period of employment.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2, 1 and 3 to **House Bill No. 3116**, which motion prevailed by the following vote:

Ayes .....	80
Noes .....	7
Present and not voting .....	4

Representatives voting aye were: Armstrong, Baird, Bittle, Bone, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Maddox, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood -- 80.

Representatives voting no were: Black, Bowers, Brooks, Brown, Chumney, Kernell, Turner (Shelby) -- 7.

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Representatives present and not voting were: Beavers, Goins, Lewis, Given -- 4.

A motion to reconsider was tabled.

**REPORT OF DELAYED BILLS COMMITTEE**

**June 27, 2002**

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 3301.

Jimmy Naifeh, Speaker  
Gene Davidson  
Steve McDaniel

**INTRODUCTION OF BILLS**

On motion of Rep. Davidson, the following bills were introduced and passed first consideration:

**\*House Bill No. 3301** -- Appropriations - Enacts "Essential Government Services Act of 2002.". by \*Kisber, \*McDaniel, \*Boyer, \*Davidson, \*Rinks.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 2221:** Rep(s). Buck as prime sponsor(s).

**House Bill No. 3300:** Rep(s). Brooks, Scroggs and Overbey as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**June 27, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3292; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 27, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3278; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.



**MESSAGE FROM THE SENATE**

**June 27, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1174, 1175 and 1176; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 27, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3240; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 3240** -- Tort Liability - Revises definition of governmental entity with respect to any county having population in excess of 800,000 according to 2000 federal census or any subsequent federal census under Governmental Tort Liability Act to include certain non-profit public benefit corporation operating hospital. by \*Ford J. (HB3298 by \*DeBerry L, \*Bowers)

**MESSAGE FROM THE SENATE**

**June 27, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 572.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 27, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2093.

The Senate refused to recede from its action in adopting Senate Amendment(s) No(s). 1, 2 and 4.

The Speaker appointed a Conference Committee composed of Senators Haynes, Graves and McNally to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 2093.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 27, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2476.

- The Senate refused to recede from its action in adopting Senate Amendment(s) No(s).  
1.

The Speaker appointed a Conference Committee composed of Senators Haun, Jackson, Fowler, Dixon and Henry to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 2476.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS**

**June 27, 2002**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3290, also, House Joint Resolution(s) No(s). 960, 1177, 1178 and 1179.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 27, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1471; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**June 27, 2002**

The Speaker signed the following: Senate Bill(s) No(s). 1471.

**ENROLLED BILLS**

**June 27, 2002**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 572, 3278, 3292; House Joint Resolution(s) No(s). 1174, 1175, 1176; also, House Resolution(s) No(s). 402 and 403.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**June 27, 2002**

The Speaker signed the following: House Bill(s) No(s). 572, 3278, 3292; House Joint Resolution(s) No(s). 1174, 1175, 1176; also, House Resolution(s) No(s). 402 and 403.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**June 27, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 960, 1177, 1178 and 1179; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENROLLED BILLS**  
**June 27, 2002**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 960, 1177, 1178 and 1179.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**June 27, 2002**

The Speaker signed the following: House Joint Resolution(s) No(s). 960, 1177, 1178 and 1179.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**June 27, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 960, 1177, 1178 and 1179; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**  
**June 27, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 572, 3278, 3292; also, House Joint Resolution(s) No(s). 1174, 1175, 1176; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**June 27, 2002**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 572, 3278, 3292; also, House Joint Resolution(s) No(s). 1174, 1175 and 1176.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 27, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3037; also, Senate Joint Resolution(s) No(s). 886 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**June 27, 2002**

The Speaker signed the following: Senate Bill(s) No(s). 3037; also, Senate Joint Resolution(s) No(s). 886.

**MESSAGE FROM THE GOVERNOR**

**June 27, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 646, 1210, 2106, 2250, 2258, 2650, 2984, 3282, 3283, 3291, also, House Joint Resolution(s) No(s). 646, 659 and 1165; with his approval.

JAY BALLARD, Counsel to the Governor.

**ROLL CALL**

The roll call was taken with the following results:

Present.....93

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh – 93.

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**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 10:00 a.m., Friday, June 28, 2002.